

MONDAY, APRIL 27, 1987

THIRTY-EIGHTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Reverend Ken Carder, First United Methodist Church, Oak Ridge, Tennessee.

Representative Coffey led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 96

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--96.

The Speaker announced that Representative Kent was excused because of personal business.

The Speaker announced that Representative Starnes was excused because of business.

MONDAY, APRIL 27, 1987--38TH LEGISLATIVE DAY

STATEMENT BY REPRESENTATIVE WEST

April 24, 1987

Speaker Murray
19 Legislative Plaza
Nashville, TN 37219

Dear Speaker Murray:

I would request of you the following comments on HB 1276 be spread upon the journal, dated April 23, 1987 the day the bill passed the House. During the discussion of the bill, by Representative Cliff Frensley, the sponsor stated "Representative West's brother is a high priced lobbyist for the Homebuilders." I take personal exception with this statement because it was not relative to the discussion of the bill nor does my brother's vocation as Executive Director of the Tennessee Homebuilders Association have any bearing upon consumers having to pay unnecessary fees.

In Tennessee, especially in Davidson County, the West name has long been associated with honorable public service. In this reflection, by Representative Frensley, upon the West name is being treated personally and should require a public apology from the same position on the House floor that the accusation was made.

Very truly yours,

Ben West, Jr.
State Representative

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 444, 490, 511, 618, 622, 623, 928, 936, 1011, 1114 and 1272; also, House Joint Resolutions Nos. 148, 232, 233, 235, 236, 237, 238, 239, 240, 241, 242, 244 and 268; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MONDAY, APRIL 27, 1987--38TH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 213, 449, 515, 641, 957, 1103 and 1253; also, Senate Joint Resolutions Nos. 148, 151 and 163; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 444, 490, 511, 618, 622, 623, 928, 936, 1011, 1114 and 1272; and House Joint Resolutions Nos. 148, 232, 233, 235, 236, 237, 238, 239, 240, 241, 242, 244 and 268; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 385, 495, 1249, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1266, 1271, 1276, 1278 and 1279; House Resolutions Nos. 9, 22, 36 and 37; and House Joint Resolutions Nos. 103, 111, 116, 171, 247, 248, 257, 260, 261, 262, 263, 264, 265, 271 and 302; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: Senate Bills Nos. 213, 449, 515, 641, 957, 1103 and 1253; Senate Joint Resolutions Nos. 148, 151 and 163; House Bills Nos. 385, 495, 1249, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1266, 1271, 1276, 1278 and 1279; House Joint Resolutions Nos. 103, 111, 116, 171, 247, 248, 257, 260, 261, 262, 263, 264, 265, 271 and 302; and House Resolutions Nos. 9, 22, 36 and 37.

CALENDAR

House Bill No. 550--County Court Fees.

On motion, House Bill No. 550 was made to conform with Senate Bill No. 104.

MONDAY, APRIL 27, 1987--38TH LEGISLATIVE DAY

On motion, Senate Bill No. 104, on same subject, was substituted for House Bill No. 550.

Mr. Napier moved that Senate Bill No. 104 be passed on third and final consideration.

Mr. Napier moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 104 by deleting all of the text after the enacting clause.

Amendment No. 1 was adopted by the following vote:

Ayes	57
Noes	30
Present and not voting	2

Representatives voting aye were: Bell, Buck, Burnett, Byrd, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Garrett, Good, Hassell, Head, Henry, Herron, Hobbs, Holt, Ivy, Jackson, Jared, Jones, R. (Shelby), Kernell, McAfee, Moore (Lawrence), Moore (Shelby), Nance, Napier, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Williams, Winningham, Wolfe, Wood, Yelton and Mr. Speaker Murray--57.

Representatives voting no were: Bewley, Bushing, Cain, Chiles, Clark, Davis (Cocke), DePriest, Harrill, Hawkins, Hillis, Holcomb, Hurley, Jones, U. (Shelby), King, Long, May, Miller, Montgomery, Moody, Peroulas, Pruitt, Purcell, Rhinehart, Scruggs, Ussery, Webb, West, Wheeler, Whitson and Wix--30.

Representatives present and not voting were: Bivens and Kisber--2.

Mr. Napier moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 104 by adding the following new sections:

MONDAY, APRIL 27, 1987--38TH LEGISLATIVE DAY

SECTION 1. Tennessee Code Annotated, Section 55-8-152(g) by deleting from the first sentence of the second paragraph the language "nor shall any costs be imposed or assessed against him" and by substituting instead the language "with clerks' costs of not more than sixteen dollars (\$16.00).".

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 3

Amend Senate Bill No. 104 by adding a new section thereto immediately before the effective date section and renumbering such section accordingly:

SECTION ____ All funds collected under the provisions of this act shall be deposited in the general fund of the county in which such costs are imposed.

Amendment No. 3 was adopted by the following vote:

Ayes	55
Noes	33

Representatives voting aye were: Bewley, Bivens, Buck, Bushing, Cain, Clark, Coffey, Collier, Copeland, Crain, Davidson, Davis (Cocke), Davis (Gibson), Dixon, Drew, Gaia, Garrett, Good, Harrill, Hawkins, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Jones, U. (Shelby), King, Kisber, Lawson, McAfee, Miller, Montgomery, Moody, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Swann, Tanner, Turner (Hamilton), Ussery, Webb, Wheeler, Whitson, Wix, Wolfe and Wood--55.

Representatives voting no were: Bell, Burnett, Byrd, Cross, Curlee, Davis (Knox), DeBerry, Ellis, Frensley, Hassell, Head, Henry, Herron, Ivy, Jared, Jones, R. (Shelby), Long, May, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Robinson (Davidson), Stallings, Tankersley, Turner, C. (Shelby), Turner, L. (Shelby), West, Williams, Winningham, Yelton and Mr. Speaker Murray--33.

Mr. Hurley moved that Senate Bill No. 104 be re-referred to the Committee on Transportation, which motion prevailed by the following vote:

MONDAY, APRIL 27, 1987--38TH LEGISLATIVE DAY

Ayes 54
Noes 30
Present and not voting 6

Representatives voting aye were: Bewley, Bivens, Bushing, Cain, Clark, Coffey, Collier, Copeland, Crain, Davis (Cocke), Davis (Gibson), DePriest, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jones, U. (Shelby), King, Lawson, Long, May, McAfee, Miller, Montgomery, Moody, Moore (Shelby), Nance, Peroulas, Pruitt, Purcell, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Swann, Tankersley, Turner, L. (Shelby), Webb, West, Wheeler, Williams, Wix, Wolfe and Wood--54.

Representatives voting no were: Bell, Burnett, Byrd, Cross, Curlee, Davidson, Davis (Knox), DeBerry, Dixon, Ellis, Frensley, Head, Henry, Herron, Ivy, Jackson, Jones, R. (Shelby), Kernell, Kisber, Moore (Lawrence), Naifeh, Napier, Robinson (Davidson), Stallings, Tanner, Turner, (Hamilton), Turner, C. (Shelby), Winningham, Yelton and Mr. Speaker Murray--30.

Representatives present and not voting were: Bragg, Buck, Jared, Rhinehart, Ussery and Whitson--6.

A motion to reconsider was tabled.

Mr. Jones, R. (Shelby) moved that House Bill No. 713 be placed on the Calendar for Wednesday, April 29, 1987, which motion prevailed.

House Bill No. 279--Service Delivery System Act.

On motion, House Bill No. 279 was made to conform with Senate Bill No. 31.

On motion, Senate Bill No. 31, on same subject, was substituted for House Bill No. 279.

Mr. Love moved that Senate Bill No. 31 be passed on third and final consideration.

Mr. Starnes moved to amend as follows:

AMENDMENT NO. 1

AMEND Senate Bill No. 31 by deleting all the language in its entirety following the enacting clause, and by substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "Tennessee Service Delivery System Improvement Act".

MONDAY, APRIL 27, 1987--38TH LEGISLATIVE DAY

SECTION 2.

(a) In exercising his authority pursuant to Tennessee Code Annotated, Section 4-4-102, the governor shall have the authority to establish a council for the purposes as provided in Section 4 of this act.

(b)(1) The governor shall establish the council in such manner as he deems appropriate to improve the service delivery system with membership on the council, in the discretion of the governor, to include the commissioners of the departments of correction, education, employment security, health and environment, human services, labor, mental health and mental retardation, and veterans affairs; the chairman of the board of paroles, ex officio; the executive director of the Tennessee housing development agency, ex officio; and five (5) citizen members, one (1) from each of the four (4) major metropolitan areas and one (1) member from a rural county. If citizen members are included, the five (5) citizen members shall be appointed by the governor for four (4) year staggered terms on the basis of demonstrated leadership, interest, knowledge, and activity concerning the problems and needs of individuals who are eligible for services provided by the departments or agencies represented on such council and the inherent problems associated with accessing the system to obtain such services. Of the initial appointments, two (2) members shall be appointed for four (4) years, one (1) for three (3) years, one (1) for two (2) years, and one (1) for one (1) year.

(2) All ex officio members may designate a member of their respective staffs to attend meetings of the council and to exercise their right to vote in their absence.

(3) Each member of the council appointed by the governor shall continue to serve and fill his respective membership position until the expiration of the term of office to which such member was appointed and until his successor is appointed and qualified and may be removed from office by the governor for malfeasance or misfeasance.

(4) Every two (2) years, the council shall elect a chairman and such other officers as it deems necessary.

SECTION 3. The members of the council shall receive no compensation for their services, but shall be entitled to receive, from funds of the council, for attendance at meetings of the council and for other services for the council, reimbursement for such actual expenses as may be incurred for travel and subsistence in the performance of official duties. All reimbursement for travel expenses shall be in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general.

MONDAY, APRIL 27, 1987--38TH LEGISLATIVE DAY

SECTION 4. The council shall have the authority:

(1) To analyze the service delivery problems of those departments or agencies represented on the council, and with respect to the department of correction and the board of paroles considerations which must be given when an inmate is released into the community; to identify problems in the delivery system, including gaps and duplications; to formulate recommendations and a plan for improvement; and to initiate such improvements in the services' systems. The council shall simplify each form utilized in the delivery system to insure consolidation and uniformity of forms as well as a minimal amount of paperwork in the provision of such services;

(2) To serve as an advocate for programs and services provided by the departments or agencies represented on the council that would be beneficial to the residents of Tennessee, including the homeless, and to disseminate pertinent information to the appropriate parties;

(3) To coordinate the development of inter-departmental standards for the provision of appropriate services pursuant to this act;

(4) To operate and maintain a data collection system on the provision of appropriate services; the council shall utilize the collected data in assessing the service delivery system and in formulating recommendations for its improvement, in keeping with the intent of this act. The information systems' services division of the department of finance and administration shall assure to the council appropriate access on a monthly basis to computer time for the purpose of fulfilling the requirements of this act;

(5) To provide a process for handling complaints from members of the public;

(6) To provide for a mutual exchange of ideas and information on national, state and local levels; and

(7) To perform other activities consistent with the intent of this act.

SECTION 5. For the purposes of legislative review pursuant to Title 4, Chapter 29, the council shall terminate on June 30, 1988.

SECTION 6. This act shall take effect July 1, 1987, the public welfare requiring it.

Mr. Dixon moved to amend as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

Amend amendment No. 1 by deleting from the amendatory language of subsection (b)(1) of Section 2 the following language:

MONDAY, APRIL 27, 1987--38TH LEGISLATIVE DAY

and five (5) citizen members; one (1) from each of the four (4) major metropolitan areas and one (1) member from a rural county. If citizen members are included, the five (5) citizen members

and by substituting instead the following language:

and seven (7) citizen members, one (1) from each of the four (4) major metropolitan areas and three (3) members from rural counties, with one (1) such member appointed from each of the three (3) grand divisions. If citizen members are included, the seven (7) citizen members

AND FURTHER AMEND by deleting the last sentence in its entirety from subsection (b)(1) of Section 2, and by substituting instead the following:

Of such initial appointments, two (2) citizen members shall be appointed for four (4) years, two (2) for three (3) years, two (2) for two (2) years, and one (1) for one (1) year.

On motion, Amendment No. 1 to Amendment No. 1 was adopted. Thereupon, Amendment No. 1, as amended, was adopted.

Thereupon, Senate Bill No. 31, as amended, passed its third and final consideration by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, and Mr. Speaker Murray--92.

A motion to reconsider was tabled.

MONDAY, APRIL 27, 1987--38TH LEGISLATIVE DAY

House Bill No. 370--Low. Income affordable housing.

On motion, House Bill No. 370 was made to conform with Senate Bill No. 380

On motion, Senate Bill No. 380, on same subject, was substituted for House Bill No. 370.

Mr. Love moved that Senate Bill No. 380 be passed on third and final consideration.

Ms. Bushing moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 380 by making the following changes in the language of Senate Amendment No. 1:

1. In Section 1(a), deleting the words "revolving loan";
2. In Section 1(b), second sentence, following the word "loaned", inserting the words", or grants made available,";
3. In Section 2(3), deleting the word "Loan";
4. In Section 3, first sentence, deleting the words "to borrowers", and substituting therefor the words "or grants to applicants";
5. In Section 5(c), first sentence, deleting the words "revolving loan";
6. In Section 5(c), second sentence, deleting the words "revolving loan".

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 380, as amended, passed its third and final consideration by the following vote:

Ayes	94
Noes	0
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Garrett, Good,

MONDAY, APRIL 27, 1987---38TH LEGISLATIVE DAY

Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--94.

Representative present and not voting was: Stafford--1.

A motion to reconsider was tabled.

Mr. Robinson (Washington) moved that House Bill No. 354 be placed on the Calendar for Thursday, April 30, 1987, which motion prevailed.

House Bill No. 701--Physicians choice Worker's Compensation.

On motion, House Bill No. 701 was made to conform with Senate Bill No. 669.

On motion, Senate Bill No. 669, on same subject, was substituted for House Bill No. 701.

Mr. Kernell moved that Senate Bill No. 669 be passed on third and final consideration.

The bill failed to receive a constitutional majority by the following vote:

Ayes	43
Noes	51
Present and not voting	3

Representatives voting aye were: Bell, Buck, Burnett, Bushing, Byrd, Clark, Davidson, Davis (Knox), DeBerry, Dixon, Drew, Ellis, Gaia, Head, Herron, Hobbs, Hurley, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Lawson, Long, Love, Miller, Odom, Phillips, Pruitt, Purcell, Robinson (Hamilton), Shirley, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Williams, Wix, Yelton and Mr. Speaker Murray--43.

MONDAY, APRIL 27, 1987--38TH LEGISLATIVE DAY

Representatives voting no were: Bewley, Bivens, Bragg, Cain, Chiles, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Duer, Frensley, Garrett, Good, Harrill, Hassell, Hawkins, Henry, Hillis, Holcomb, Holt, Huskey, Kisber, May, McAfee, Montgomery, Moody, Moore (Shelby), Naifeh, Nance, Napier, Peroulas, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Swann, Tankersley, Tanner, Webb, Wheeler, Winningham, Wolfe and Wood--51.

Representatives present and not voting were: DePriest, Moore (Lawrence) and Whitson--3.

Mr. Stafford moved that Senate Bill No. 669 be rejected.

Pursuant to Rule No. 63, the Speaker placed Senate Bill No. 669 at the heel of the Calendar for Wednesday, April 29, 1987.

Mr. Burnett moved that House Bill No. 815 be placed on the Calendar for Wednesday, April 29, 1987, which motion prevailed.

House Bill No. 539--Maternal, infant and child health.

On motion, House Bill No. 539 was made to conform with Senate Bill No. 867.

On motion, Senate Bill No. 867, on same subject, was substituted for House Bill No. 539.

Ms. DeBerry moved that Senate Bill No. 867 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--94.

Representative voting no was: Stafford--1.

MONDAY, APRIL 27, 1987--38TH LEGISLATIVE DAY

A motion to reconsider was tabled.

House Bill No. 924--Public Guardianship Elderly Law.

On motion, House Bill No. 924 was made to conform with Senate Bill No. 949.

On motion, Senate Bill No. 949, on same subject, was substituted for House Bill No. 924.

Ms. DeBerry moved that Senate Bill No. 949 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--93.

A motion to reconsider was tabled.

Mr. Bragg moved that House Bill No. 184 be placed on the Calendar for Wednesday, April 29, 1987 which motion prevailed.

On motion of Mr. Buck, House Joint Resolution No. 243 was withdrawn from the House.

Mr. Buck moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 147, which motion prevailed.

Senate Joint Resolution No. 147--Relative to study, system of information signs, certain highways.

Mr. Buck moved that Senate Joint Resolution No. 147 be concurred, which motion prevailed by the following vote:

MONDAY, APRIL 27, 1987--38TH LEGISLATIVE DAY

Ayes 95
Noes 0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--95.

House Joint Resolution No. 255--Enact Arctic National Wildlife Refuge Oil.

Mr. Tanner moved that House Joint Resolution No. 255 be adopted, which motion prevailed by the following vote:

Ayes 92
Noes 2
Present and not voting 1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Yelton and Mr. Speaker Murray--92.

Representatives voting no were: Chiles and Wood--2.

Representative present and not voting was: Swann--1.

MONDAY, APRIL 27, 1987--38TH LEGISLATIVE DAY

A motion to reconsider was tabled.

Mr. King moved that House Bills Nos. 48, 210 and Senate Bill No. 78 be placed on the Calendar for Thursday, April 30, 1987.

OBJECTIONS -- CONSENT CALENDAR

Objections were filed to the following bills and resolutions on the Consent Calendar:

Mr. Webb objected to House Bill No. 39.

Mr. Rhinehart objected to House Bill No. 425.

Mr. Whitson objected to House Joint Resolutions Nos. 250 and 251.

Under the rules, House Bills Nos. 39 and 425 and House Joint Resolutions Nos. 250 and 251 were placed at the foot of the Calendar for Wednesday, April 29, 1987.

CONSENT CALENDAR

House Bill No. 1076--Licensing public accountants.

On motion, House Bill No. 1076 was made to conform with Senate Bill No. 950.

On motion, Senate Bill No. 950, on same subject, was substituted for House Bill No. 1076.

House Bill No. 17--Legislative intern meetings.

On motion, House Bill No. 17 was made to conform with Senate Bill No. 32.

On motion, Senate Bill No. 32, on same subject, was substituted for House Bill No. 17.

House Bill No. 146--Immunity Medical Peer Review Committee.

Senate Joint Resolution No. 76--Relative to location signs, Camp Discovery, Jackson County.

House Bill No. 1250--County Uniform Highway Law.

On motion, House Bill No. 1250 was made to conform with Senate Bill No. 1252.

MONDAY, APRIL 27, 1987--38TH LEGISLATIVE DAY

On motion, Senate Bill No. 1252, on same subject, was substituted for House Bill No. 1250.

House Bill No. 716--Homebuyers' Revolving Loan Fund Pool.

House Bill No. 1213--Federal Census.

Senate Joint Resolution No. 27--Tennessee Valley Authority's Land Between the Lake's recreational area.

House Joint Resolution No. 76--Study Medicaid Nursing Home Reimbursement System.

Senate Joint Resolution No. 79--Relative to study, Special Task Force, Alzheimer's.

House Joint Resolution No. 175--Continue Joint Committee on Veterans' Affairs.

House Resolution No. 38--Commending Rule High School.

House Joint Resolution No. 294--Honoring Coach Larry Brewer.

House Joint Resolution No. 295--Recognizing Mr. Zembabue.

House Joint Resolution No. 297--Honoring Blanche Bowlin.

House Joint Resolution No. 299--Congratulating Jackson County High School.

House Joint Resolution No. 300--Congratulating Red Boiling Springs Bulldogs.

House Joint Resolution No. 303--Honoring memory Reverend Sallie Crenshaw.

House Joint Resolution No. 304--Commemorating 75th Anniversary 1st National Bank.

House Joint Resolution No. 305--Honoring memory Rabbi Abraham Feinstein.

House Joint Resolution No. 308--Congratulating Mrs. Frances Dewitt Owens.

House Bill No. 1285--Roane County port authority.

House Bill No. 1286--Madison County Highway Dept.

MONDAY, APRIL 27, 1987--38TH LEGISLATIVE DAY

House Bill No. 1289--Wilson Attorney Compensation.

House Bill No. 1290--Interest Bearing Bonds, Wilson County.

Mr. Phillips moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--95.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 375--Practice of psychology.

SENATE AMENDMENT NO. 3

AMEND House Bill No. 375 by deleting Section 1 (3) in its entirety

Mr. West moved that the House concur in Senate Amendment No. 3, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier,

MONDAY, APRIL 27, 1987--38TH LEGISLATIVE DAY

Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--94.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 885--Filing fees on certain instruments.

SENATE AMENDMENT NO. 2

Amend House Bill No. 885 by deleting from the amendatory language of Sections 1, 2, 3, 4 and 5 the word and figure:

"two (2)"

and by substituting instead the word and figure:

"ten (10)".

Mr. Wheeler moved that the House non-concur in Senate Amendment No. 2, which motion prevailed.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 384--Polling Places.

SENATE AMENDMENT NO. 4

Amend House Bill No. 384 by deleting the word "not" following shall, in amend # 1

Mr. Bivens moved that the House concur in Senate Amendment No. 4, which motion prevailed by the following vote:

MONDAY, APRIL 27, 1987--38TH LEGISLATIVE DAY

Ayes 95
Noes 0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--95.

A motion to reconsider was tabled.

SENATE AMENDMENT NO. 1

Amend House Bill No. 384 by adding a new section which provides that the provisions of this bill shall not apply to counties having the following population according to the 1980 federal census (or any subsequent federal census).

not greater than 41,900 and not less than 41, 800

SENATE AMENDMENT NO. 2

Amend House Bill No. 384 by inserting the following language in the amendatory language of Section 1 after the figure "(67,600)":

or in any county having a population of not less than thirty-four thousand eight hundred (34,800) nor more than thirty-four thousand nine hundred (34,900), not less than twenty-four thousand five hundred ninety (24,590) nor more than twenty-four thousand six hundred (24,600), not less than eleven thousand seven hundred (11,700) nor more than eleven thousand eight hundred (11,800)

SENATE AMENDMENT NO. 3

Amend House Bill No. 384 as follows:

This act shall not apply to a metropolitan form of Government.

MONDAY, APRIL 27, 1987--38TH LEGISLATIVE DAY

SENATE AMENDMENT NO. 6

Amend House Bill No. 384 by deleting after the figure "(67,000)" in the amendatory language of Section 1, the following:

or in any county having a population of not less than 31,200 nor more than 31,300, and in any county having a population of not less than 16,700 nor more than 16,800

SENATE AMENDMENT NO. 7

Amend House Bill No. 384 by inserting the following immediately after the figure "(67,600)" in the amendatory language of Section 1:

or in any county having a population of not less than fifty-six thousand (56,000) nor more than fifty-six thousand one hundred (56,100) nor to any county not less than eighty-five thousand (85,000) nor more than eighty-five thousand eight hundred and twenty-five (85,825) according to the 1980 federal census of population or any subsequent federal census.

Mr. Bivens moved that the House non-concur in Senate Amendments Nos. 1, 2, 3, 6 and 7, which motion prevailed.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 1099--Wastewater facilities.

SENATE AMENDMENT NO. 1

AMEND House Bill No. 1099 by adding a new subdivision after Section 3(4) to read as follows and by redesignating the remaining subsections accordingly:

() "Director" means the director of the division of construction grants and loans within the department.

AND FURTHER AMEND by deleting the second sentence in Section 3(6) in its entirety and substituting in lieu thereof the following:

"Local government" shall also mean any utility district created pursuant to Tennessee Code Annotated, Title 7, Chapter 82, existing on July 1, 1984 and which operates a wastewater facility; and also includes such utility district created after July 1, 1984 if such utility district operates a wastewater facility comprised of at least five hundred (500) customer connections.

MONDAY, APRIL 27, 1987--38TH LEGISLATIVE DAY

AND FURTHER AMEND by deleting the following language from the first sentence of Section 3(8) in its entirety:

"; and which has been listed on the construction grants program wastewater treatment project priority list established by the department pursuant to Tennessee Code Annotated, Title 68, Chapter 13, Part 8"

AND FURTHER AMEND by deleting the words "financial assistance" in Section 4(b) and substituting instead the words, "loans, pursuant to Sections 1 through 6, inclusive."

AND FURTHER AMEND by inserting the words "of the local government applicant" following the words "property values" in the third sentence of Section 5(b).

AND FURTHER AMEND by adding a new subsection 5(f) as follows:

5(f) Notwithstanding any other provision of this act to the contrary, the department, in conjunction with the authority, may develop alternative financial assistance programs, which may include the issuance of the authority's revenue bonds, for wastewater facilities using the funds appropriated herein to effect the legislative intent of providing low-cost financial assistance to local governments for wastewater facilities, provided such programs are permissible under the clean water act.

AND FURTHER AMEND by inserting a new subdivision (1) immediately preceding the existing subdivision (1) in Section 6(a) to read as follows and by redesignating the remaining subdivisions accordingly:

(1) operate a wastewater facility that is on the department's project priority ranking list established pursuant to Tennessee Code Annotated, Section 68-13-804 and regulations thereunder;

AND FURTHER AMEND by inserting the words "for public purpose projects" in Section 6(b) between the words "Loans" and "relating".

AND FURTHER AMEND by deleting the word "in" between the words "acting" and "for the public" in the second sentence of Section 8(a).

AND FURTHER AMEND by deleting in Section 8(b)(6) the present language and substituting the following:

(6) One (1) member appointed by the governor, who shall represent the manufacturing interests in the state. The governor shall consult with the president of the Tennessee Manufacturers' and Taxpayers' Association to determine a qualified person to fill this post.

MONDAY, APRIL 27, 1987--38TH LEGISLATIVE DAY

AND FURTHER AMEND by adding a new subdivision (7) in Section 8(b) to read as follows:

(7) One (1) member, appointed by the governor, who shall represent minority citizens of the state. Such member shall have experience in governmental finance and shall not otherwise be a state employee.

AND FURTHER AMEND by adding in Section 8(c)(2)(A) after the figure "8(b)(3)" the word and number "and (7)".

AND FURTHER AMEND by deleting subsection (d) of Section 8 in its entirety and substituting instead the following:

(d) Each member of the board shall be entitled to receive the amount of his or her traveling and other necessary expenses actually incurred while engaged in the performance of any official duties when so authorized by the board, but such expenses shall be made in accordance with the comprehensive state travel regulations duly promulgated by the commissioner of finance and administration.

AND FURTHER AMEND by deleting subsection (e) of Section 8 in its entirety and substituting in lieu thereof the following:

(e) A majority of the board shall constitute a quorum and the concurrence of a majority of those present and voting in any matter shall be required for a determination of matters within its jurisdiction.

AND FURTHER AMEND by adding the following new subsections to Section 8:

() No board member may participate in making a decision in any case involving a local government or wastewater facility in which the board member has a direct financial interest, including a contract of employment.

() The board shall keep complete and accurate records of the proceedings of all their meetings. All such records shall be kept on file in the office of the director and open to public inspection.

() The director shall serve as the technical secretary to the board. In that capacity, the director shall report the proceedings of the board and perform such other duties as the board may require.

MONDAY, APRIL 27, 1987--38TH LEGISLATIVE DAY

AND FURTHER AMEND by adding the following at the end of Section 9(a)(5):

In case of the refusal of any person or entity to obey a notice of hearing or subpoena issued by the board under this part, the chancery court of Davidson County shall have jurisdiction upon application of the board to issue an order requiring such person to appear and testify or produce evidence as the case may require and any failure to obey such order of the court may be punished by such court as contempt thereof.

AND FURTHER AMEND by deleting in Section 9(b) in its entirety and substituting instead the following:

The board shall be authorized to act only as to those wastewater facilities brought before it upon recommendation of the comptroller of the treasury as provided in Section 10.

AND FURTHER AMEND by deleting the words "a retained earnings deficit or has an operating deficit for a period of three (3) consecutive years or is in default" in the first sentence of Section 10(a) and by substituting instead the following:

a retained earnings deficit in any one (1) year or, for a period of three (3) consecutive years, has an operating deficit, or is currently in default

AND FURTHER AMEND by deleting subsections (b), (c), (d) and (e) in Section 10 in their entirety and by substituting instead the following:

(b) Within sixty (60) days from the receipt of the comptroller's audit report, the board shall schedule a hearing to determine whether the wastewater facility described in the report is likely to continue in a deficit position. In reaching its determination, the board shall consider current user rates charged by the wastewater facility, the size of the facility and the local government served by it, the quality of the facility's operation and management, and other relevant criteria.

Upon a determination that the wastewater facility is likely to remain in a deficit position, the board may order the management of the wastewater facility to adopt and maintain user rate structures necessary to (i) fund operation, maintenance, principal and interest obligations and adequate depreciation to recover the cost of the wastewater facility over its useful life, (ii) to liquidate in an orderly fashion any retained earnings deficit, and (iii) to cure a default on any indebtedness of the wastewater facility.

MONDAY, APRIL 27, 1987--38TH LEGISLATIVE DAY

Any such order shall become final and not subject to review unless the parties named therein request by written petition a hearing before the board as provided in Sections 7 through 13, inclusive, no later than thirty (30) days after the date such order is served. Any hearing or rehearing provided by Sections 7 through 13, inclusive, shall be brought pursuant to the Uniform Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5, Part 3. Such hearing may be conducted by the board at a regular or special meeting by any member or panel of members as designated by the chairman to act on its behalf, or the chairman may designate an administrative judge who shall have the power and authority to conduct hearings in the name of the board to issue initial orders pursuant to the Uniform Administrative Procedures Act.

(c) In the event a wastewater facility fails to adopt user rate structures pursuant to a final order of the board, the board may petition the chancery court in a jurisdiction in which the wastewater facility is situated or in the Davidson County Chancery Court to require the adoption of the user rate structures ordered by the board or to obtain other remedial action, which, in the discretion of the court, may be required to cause the wastewater facility to be operated in a financially self-sufficient manner.

AND FURTHER AMEND by inserting the following new Section immediately after Section 10 and by renumbering subsequent sections accordingly:

Section 11.

(a) As a means to restore the financial stability of a wastewater facility under its jurisdiction, and to insure the continued operations of wastewater facilities for the benefit of the public being served by such wastewater facility, the board may facilitate, assign a mediator, or otherwise participate in negotiations for the consolidation of a wastewater facility under the board's jurisdiction with another wastewater facility or other public utility which, in the determination of the board, is best suited to operate a deficit wastewater facility. Such consolidation shall be upon those terms as agreed upon by all of the affected parties. Such agreement shall provide that the ultimate owner or operator of the facility will assume the operation of the facility in such territory and account for the revenues therefrom in such manner as not to impair the obligations of contract with reference to outstanding bond issues or other legal obligations of the consolidating wastewater facilities and shall fully preserve and protect the contract rights vested in the owners of such outstanding bonds, obligations or contractual interests.

MONDAY, APRIL 27, 1987--38TH LEGISLATIVE DAY

(b) The board is authorized to subsidize, from appropriations made to it, the repair or improvement of the deficit wastewater facility as an incentive for consolidation in negotiating any consolidation under this part. In addition, the board may contract for the services of a professional mediator if in its opinion such mediator is needed to effect any consolidation under Sections 7 through 13, inclusive.

(c) Prior to consolidation of any wastewater facility pursuant to Sections 7 through 13, inclusive, the board shall hold a public hearing of all interested parties to such consolidation at a place convenient to such parties at least sixty (60) days prior to the effective date of such consolidation. Notice of such public hearing shall be published in a newspaper of general circulation in the affected area not later than ten (10) days prior to the meeting.

(d) If the parties to consolidation fail to reach an agreement within two hundred seventy (270) days from the commencement of negotiations, or such consolidation proceedings are otherwise terminated, the board is authorized to take appropriate action provided by Sections 7 through 13, inclusive, to effect the legislative intent of financially self-sufficient wastewater facilities.

AND FURTHER AMEND by deleting the original Section 17 in its entirety and substituting in lieu thereof the following:

If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

AND FURTHER AMEND by adding the following new Section:

Section 19. This act shall take effect on October 1, 1987; provided, however, that for rule promulgation purposes, the act shall take effect upon becoming a law, the public welfare requiring it.

SENATE AMENDMENT NO. 3

Amend House Bill No. 1099 by deleting each and every section of House Bill 1099 and substituting instead new Sections 1 through 17, namely:

MONDAY, APRIL 27, 1987--38TH LEGISLATIVE DAY

Sections 1 through 17 of Senate Bill 993 as introduced on February 18, 1987; printed and distributed as Senate Bill No. 993; and considered to be part of this amendment.

AND FURTHER AMEND BY inserting in subsection (a) of Section 10 the following new sentence after the first sentence in subsection (a):

Provided, however, any local government may budget and appropriate, pursuant to the budget, available local government funds to fund expenses and operations of a wastewater facility, in whole or in part, and such wastewater facility shall not be considered by the Board as a wastewater facility in a deficit position, if such budgeted and appropriated funds together with user fees, if any, are sufficient to fund expenses and operations of the wastewater facility.

Mr. Davis (Gibson) moved that the House concur in Senate Amendments Nos. 1 and 3, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Kernell, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--94.

A motion to reconsider was tabled.

BILLS RE-REFERRED

On motion of Mr. Kisber, House Bill No. 1029 was recalled from the Committee on Calendar and Rules.

On motion of Mr. Kisber, House Bill No. 1029 was re-referred to the Committee on Finance, Ways and Means.

MONDAY, APRIL 27, 1987--38TH LEGISLATIVE DAY

Mr. Naifeh moved that the rules be suspended for the purpose of introducing House Resolution No. 43 out of order, which motion prevailed.

House Resolution No. 43--Appointment of Martha Brasfield--By Naifeh.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Naifeh, the resolution was referred to the Judiciary Committee.

Mr. Moore (Lawrence) moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 183 out of order, which motion prevailed.

Senate Joint Resolution No. 183--Honoring Sacred Heart Catholic Church.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Moore (Lawrence), the resolution was concurred in.

A motion to reconsider was tabled.

Mr. Moody moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 164 out of order, which motion prevailed.

Senate Joint Resolution No. 164--Congratulating Bradley Bean.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Moody, the resolution was concurred in.

A motion to reconsider was tabled.

Mr. Wheeler moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 326 out of order, which motion prevailed.

House Joint Resolution No. 326--Banking Subcommittee--By Wheeler, West, Kisber, Naifeh, Webb and Tanner.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Wheeler, the resolution was adopted.

A motion to reconsider was tabled.

MONDAY, APRIL 27, 1987--38TH LEGISLATIVE DAY

INTRODUCTION OF RESOLUTIONS

House Resolution No. 40--Study Committee State annexation--By Yelton.

The Speaker referred House Resolution No. 40 to the Committee on State and Local Government.

House Joint Resolution No. 309--Pi Kappa Phi "Push" Weekend--By Bell.

The Speaker referred House Joint Resolution No. 309 to the Committee on Calendar and Rules.

House Joint Resolution No. 310--Recognize Mary Robin Bonner--By West.

Under the rules, House Joint Resolution No. 310 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 311--Honoring memory Elvis Presley--By Naifeh, Tanner, Stallings, Ridgeway, Ivy, Williams, Kent, DeBerry, Kisber, Kernell, Shirley, King, Davis (Gibson), Dixon, Crain, Byrd, Cain, Moore (Shelby), Herron, Nance, Jones, R. (Shelby), Jones, U. (Shelby), Turner, C. (Shelby), Turner, L. (Shelby), Gaia and Holt.

Under the rules, House Joint Resolution No. 311 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 312--Honoring St. Jude Children's Research Hospital--By Tanner, Naifeh, Stallings, DeBerry, Kisber, Ivy, Ridgeway, Kent, Williams, Kernell, Shirley, King, Davis (Gibson), Dixon, Crain, Byrd, Cain, Moore (Shelby), Herron, Nance, Jones, R. (Shelby), Jones, U. (Shelby), Turner, C. (Shelby), Turner, L. (Shelby), Gaia and Holt.

Under the rules, House Joint Resolution No. 312 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 313--Congratulating Sandra Cambeilh--By Turner (Hamilton), Starnes, Wood, Robinson (Hamilton), McAfee and Copeland.

Under the rules, House Joint Resolution No. 313 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 314--Congratulating Mrs. Margo Morrison Jacobs--By Jackson and Purcell.

Under the rules, House Joint Resolution No. 314 was referred to the Committee on Calendar and Rules.

MONDAY, APRIL 27, 1987--38TH LEGISLATIVE DAY

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Senate Joint Resolution No. 179--Honoring Ruth Golden.

Under the rules, Senate Joint Resolution No. 179 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 182--Commending Pamela Kay Blair.

Under the rules, Senate Joint Resolution No. 182 was referred to the Committee on Calendar and Rules.

RESOLUTIONS LYING OVER

Senate Joint Resolution No. 101--Preservation of family unit.

Under the rules, Senate Joint Resolution No. 101 was referred to the Committee on General Welfare.

Senate Joint Resolution No. 167--Licensed Day Care Centers.

Under the rules, Senate Joint Resolution No. 167 was referred to the Committee on General Welfare.

SENATE BILLS ON FIRST CONSIDERATION

Senate Bills Nos. 277, 407, 409, 616, 642, 764, 843, 1040 and 1106.

Passed first consideration.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 1291--Compensation members public utility boards.

Passed second consideration and referred to Committee on State and Local Government.

House Bill No. 1292--Tax rate levied McKenzie.

Passed second consideration and held without reference.

House Bill No. 1293--Spacing oil and gas wells.

Passed second consideration and referred to Committee on Conservation and Environment.

House Bill No. 1294--Tax rates West Carroll.

Passed second consideration and held without reference.

House Bill No. 1295--Wildlife Resources Commission.

MONDAY, APRIL 27, 1987--38TH LEGISLATIVE DAY

Passed second consideration and referred to Committee on Conservation and Environment.

House Bill No. 1296--Smith County automobile graveyards.

Passed second consideration and held without reference.

SECOND ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--95.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 16, 73, 267, 385, 416, 436, 495, 514, 619, 674, 816, 848, 892, 937, 1097, 1249, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1266, 1271, 1276, 1278 and 1279; also, House Joint Resolutions Nos. 103, 111, 116, 171, 247, 248, 257, 260, 261, 262, 263, 264, 265, 271 and 302; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 119, 159, 274, 752, 971, 1000, 1173, 1229 and 1279; also, Senate Joint Resolutions Nos. 93, 154, 156, 157, 159, 166 and 173; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MONDAY, APRIL 27, 1987--38TH LEGISLATIVE DAY

SIGNED

The Speaker announced that he had signed the following: Senate Bills Nos. 119, 159, 274, 752, 971, 1000, 1173, 1229, and 1279; and Senate Joint Resolutions Nos. 93, 154, 156, 157, 159, 166 and 173.

REPORTS FROM STANDING COMMITTEES

GENERAL WELFARE

MR. SPEAKER: Your Committee on General Welfare begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 1275, 1287 and House Joint Resolution No. 288.

STARNES, Chairman.

Under the rules, House Bills Nos. 1275, 1287 and House Joint Resolution No. 288 were transmitted to the Committee on Calendar and Rules.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill No. 146; and House Joint Resolutions Nos. 255 and 326; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.:

190--To regulate municipal planning commissions.

The Senate nonconcurred in House Amendment No. 1.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.:

640--To regulate real estate brokers rules.

MONDAY, APRIL 27, 1987--38TH LEGISLATIVE DAY

The Senate concurred in House Amendments Nos. 3 and 4, and nonconcurred in House Amendments 1, 2, 5, 6, 7, 8 and 9.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

785--Medicaid Program.

The Senate lifted the tabling motion reconsidered passage of the bill, reconsidered adoption of Amendment No. 2, withdrew Amendment No. 2, then repassed the bill on third and final consideration.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.:

181--Relative to congratulating Mrs. Frances Dewitt Owens; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 9--Naifeh

House Bill No. 425--Turner (Hamilton)

House Resolution No. 43--Herron

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

In accordance with Rule No. 48, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 1251, 1252, 1292, 1294 and 1296.

MONDAY, APRIL 27, 1987--38TH LEGISLATIVE DAY

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 716, 1213, 1285, 1286, 1289 and 1290; and House Joint Resolutions Nos. 76, 175, 294, 295, 297, 299, 300, 303, 304, 305 and 308; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Wednesday, April 29, 1987: House Joint Resolutions Nos. 309, 310, 311, 312, 313, 314; Senate Joint Resolutions Nos. 179, 182, and House Bills Nos. 1251, 1252, 1292, 1294 and 1296.

PHILLIPS, Chairman.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Wednesday, April 29, 1987: House Bills Nos. 1002, 1182, 681, 692, 250, 251, 734, 954, 457, 800; House Joint Resolution No. 155; House Resolution No. 23; House Joint Resolutions Nos. 109, 63 and House Bills Nos. 1103, 1038, 715, 669, 713, 815, 184, 39, 425 and House Joint Resolutions Nos. 250 and 251.

PHILLIPS, Chairman.

On motion of Mr. Naifeh the House adjourned until 2:00 p.m., Wednesday, April 29, 1987.